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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,469	01/19/2006	Tobias Melz	1033832-000013	9936
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EXAMINER NGUYEN, XUAN LAN T				
ART UNIT 3683		PAPER NUMBER		
NOTIFICATION DATE 03/24/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/565,469

**Applicant(s)**

MELZ ET AL.

**Examiner**

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10, 11, 13, 15-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, 15-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2007 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: approved drawings

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 12/12/07. These drawings are approved.

### ***Specification***

2. The substitute specification filed on 12/12/07 has been approved.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10, 11, 13, 15-19 and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 1, item c1 claims an elastic pipe surrounds the energy converter systems. It is believed that "the energy converter systems" should have been -- said first and second energy converter systems--, in order to make clear which energy converter systems are being claimed.
- In claims 17, 18 and 25, "in such a way" is considered to be indefinite.
- In claims 21 and 23, "and/or" renders these claims indefinite.
- For the reasons above, claims 10, 11, 13, 15-19 and 21-25 are being treated as best understood.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 11, 13, 15-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi (JP 61286634) in view of Sasaki et al. (US 5,373,670).

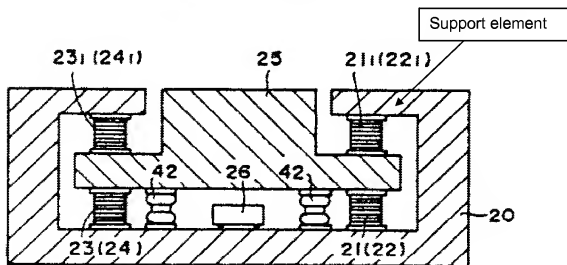
Re: claim 10, Katsumi shows an interface for reducing mechanical vibrations, as in the present invention, which has a base connection element 20, a load connection element 25 and at least one support element, as marked below, a) wherein at least a first energy converter system, 21, 23 bottom, extends between at least one engagement point located on the base connection element and at least one engagement point located on the load connection element; b) wherein at least one second energy converter system, 21, 23 top, extends between at least one engagement point located on the support element and at least one engagement point located on the load connection element; and d) wherein the load connection element 25 has a part located in an intermediate space between the base connection element and the support element, and a part located outside the intermediate space between the base connection element and the support element, as shown in figure 3. Katsumi lacks the elastic pipe surrounding the actuators as claimed. Sasaki shows an elastic pipe 14 for a vibration damper in figure 1 in order to provide further dampening capability to the

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bearing body 13 at the same time to protect body 13 from environmental elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katsumi's assembly to comprise an elastic pipe as taught by Sasaki in order to provide further dampening capability to the assembly of Katsumi at the same time protecting the assembly from environmental elements.



### 第 3 図



Re: claim 11, Katsumi shows the actuator to be piezoelectric elements in the Abstract.

Re: claim 13, Katsumi shows vibration sensor 26.

Re: claims 15 and 16, Katsumi shows vibration sensor 26 and the circuit to detect, generate signal, to actuate and to reduce vibration in the Abstract.

Re: claim 17, Katsumi shows the multiple interfaces of the base element and the load element being connected as claimed.

Re: claims 18, 19 and 21-25, the discussion of the rejections of claims 10, 11, 13, 15, 16 and 17 above, meets all the limitations of claims 18, 19 and 21-25.

### ***Response to Arguments***

7. Applicant's arguments filed 12/12/07 have been fully considered but they are not persuasive.
- Applicant argues that Sasaki does not teach a pretensioning device as claimed in claims 1 and 18. Applicant cites a passage in column 2, lines 48-61, especially line 53 where it states "it is free from vertical load". Reading lines 48-55, the Examiner interprets this passage to be that the elastomer is free from vertical load when it is bulge out due to external force from an earth quake. It does not mean that the elastomer is not pretensioned as concluded by Applicant. In fact it means the opposite. Since the elastomer is free from vertical load when it bulges out, it means that when the elastomer is straight, it is in pretensioned. Further reviewing Sasaki, it is found that in column 3, lines 35-39, Sasaki states that the elastic plate 11 is in compression and that the level of compression can be adjusted by adjusting the elastomer 14. It is concluded that elastomer 14 is pretensioned in order to compress elastomer 11. Therefore, Sasaki does show

that elastic tube 14 is pretensioned in the same way as claimed by Applicant.

The rejection is still deemed proper and is maintained.

- The new indefiniteness rejections are due to Applicant's amendment.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 3-16-08  
Primary Examiner  
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